

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----x
RICARDO REUBEN,

Plaintiff,

-v-

ELLIS D.O.C. CAPTAIN # 511, REED
D.O.C. C.O. #8629, AND REJOUIS
D.O.C. C.O. #11020,Defendants.
-----x

07 Civ. 6046 (JSR)

ORDER

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 8-25-09
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JED S. RAKOFF, U.S.D.J.

On October 6, 2008, the Honorable Henry Pitman, United States Magistrate Judge, issued a Report and Recommendation ("Report") in the above-captioned matter recommending that the Court grant defendants' motion under Rules 37(b)(2) and 41(b) of the Federal Rules of Civil Procedure and dismiss without prejudice plaintiff Ricardo Reuben's Complaint for failure to comply with a discovery order and failure to prosecute. Plaintiff has failed to file any objection to the Report, and therefore has waived any right to further appellate review of the decision to dismiss, see Thomas v. Arn, 474 U.S. 140, 147-48 (1985); Mario v. P & C Food Markets, Inc., 313 F.3d 758, 766 (2d Cir. 2002); Spence v. Superintendent, Great Meadow Corr. Facility, 219 F.3d 162, 174 (2d Cir. 2000).

Accordingly, the Court hereby adopts the Report, and for the reasons stated therein and dismisses the Complaint without prejudice. Clerk to enter judgment.

SO ORDERED.



JED S. RAKOFF, U.S.D.J.

Dated: New York, New York
August 24, 2009